



TOWN OF ACTON HISTORIC DISTRICT COMMISSION

DEMOLITION GUIDELINES

I. Definitions

Although the terms “building” and “structure” have distinct, mutually exclusive meanings in Town Bylaw P, Local Historic District Bylaw, a “building” being there defined as “[a] combination of materials forming a shelter for persons, animals and property” and a “structure” being there defined as “[a] combination of materials other than a BUILDING, including but not limited to a SIGN, fence, wall, terrace, walk or driveway,” as used in these DEMOLITION GUIDELINES the terms “structure” and “building” are interchangeable unless a more limited meaning is clearly indicated by its context.

II. The Strong Presumption against Demolition

Demolition of any structure or portion thereof within the historic districts requires the approval of the Historic District Commission (Commission or HDC), except when ordered by the Building Commissioner or other safety officer for reasons of public health and safety. Demolition is strongly discouraged unless the applicant demonstrates that the structure, or any portion of it, is so deteriorated that rehabilitation is not practical and/or the structure or the portion in question is of no historic value to the district. In the former instance the Commission may require that a new structure replicating the original structure or portion in question be built in the place of the demolished structure if its value is significant to the district.

A. Exception to the Presumption – Rehabilitation not Practical

If the applicant asserts that, due to its deterioration, rehabilitation is not practical, the applicant should consider including in the demolition

application the report of an independent, licensed structural engineer concerning the building's condition. If the applicant asserts that, at least in part, rehabilitation is not practical due to its costs, the applicant should demonstrate to a reasonable degree of specificity, the nature and amount of such costs, supported by estimates prepared by independent, licensed professionals such as architects and/or structural engineers. When necessary or as requested by the HDC, an applicant shall engage professional personnel such as architects or structural engineers with experience with the following specific sections of the building codes pertinent to historic structures situated in a historic district in Massachusetts:

For One and Two family Residential Projects:

780 CMR 9309 (2015 Edition)

For all other Building Types:

Existing Building Code of Massachusetts (As Adopted with Amendments from The International Existing Building Code (IEBC) (2015 Edition)) specifically Chapter 7-Alteration 1; Chapter 8 -Alteration 2; Chapter 9 -Alteration 3 (All as modified by Chapter 12 Historic Buildings) and Chapter 12 Historic Buildings.

B. Exception to the Presumption – Structure has no Historic Value

If the applicant asserts that the structure or portion in question has no historic value, the application should provide specific support for that assertion with reference to, among other things, the Relevant Factors and Questions listed below. In assessing a building's "historic value," it is important to appreciate that "historic" applies not just to structures of the colonial period but to those exhibiting the distinctive characteristics and architecture of successive architectural eras, including buildings and structures built as recently as 50 years ago.

III. Application of the Presumption against Demolition

Most applications for demolition will involve structures that are neither beyond rehabilitation nor without historic value. In these cases, the applicant must overcome the strong presumption against demolition, addressing the Relevant Factors and Questions set forth below to demonstrate that demolition is appropriate. An important part of overcoming this presumption against demolition is presenting a specific, documented proposal that is

appropriate for the site currently occupied by the structure that the applicant seeks to demolish, accompanied by a demonstrated commitment to going forward with this proposal once the required approvals are secured.

In general, renovation and/or replacement in kind is strongly preferred to the demolition of all or a portion of a historic structure. Likewise, decorative architectural elements on the structure such as trim, brackets, bays and porch columns should not be removed without Commission approval. Preference will be given to replacement in kind.

If a historic structure's location interferes with the owner's plans for the property, relocation to an appropriate site will be considered and is preferred to demolition. In determining what is an appropriate site for the structure's relocation, the Commission should consider whether the proposed site is one that adequately protects the historic value of the structure being relocated.

IV. Relevant Factors and Questions

The above-noted preferences for a building's renovation and/or replacement or for its relocation instead of demolition (i.e., the presumption against demolition) reflect – and their enforcement by the HDC is guided by – the three stated purposes of Town Bylaw P, Local Historic District Bylaw.

1. Bylaw P's first purpose "is to aid in the preservation and protection of the distinctive characteristics and architecture of buildings and places significant in the history of the Town of Acton."

What makes a building or place "significant" in the Town's history?

Relevant factors include but are not limited to:

- Notable events that occurred there;
- Notable persons who lived there;
- The building's historical prominence either in its District or in Acton more generally (e.g., Exchange Hall or Jones Tavern in South Acton, the Main Street colonials, church and Town Hall in Center Acton, the victorians on Windsor Avenue or the Massachusetts Avenue streetscape in West Acton);
- The building's listing, or certification by the Massachusetts Historical Commission (MHC) to be eligible for individual listing, in the National Registry of Historic Places;

- The building's evaluation by the MHC to be a contributing building within a National Register or State Register District.
- Pertinent historical information from the Massachusetts Cultural Resource Information System (MACRIS), <https://mhc-macris.net>, and/or other suitable sources.

What constitutes “distinctive characteristics and architecture” worthy of preservation?

Relevant factors include but are not limited to:

- Architecture that shares in, and contributes to, the identifiable attributes that give the District in which it is located its collective sense of place in time;
- Architecture that is a “one-of-a-kind” example, or nearly so, of a particular architectural style or period, meriting greater protection than might otherwise be given.

2. Bylaw P's second purpose “is to aid in ... the maintenance and improvement of [buildings'] settings.”

What constitutes a building's “setting” in this regard and how would the building's demolition, partial demolition, or relocation affect that setting?

Relevant factors include but are not limited to:

- The location of the building and its relationship (both spatial and historical) to that specific location, including nearby buildings, structures such as walls or fences, or significant landscape features such as a village common or a streetscape;
- The particular character of the District in which the building is located and the building's contribution to that District.

If relocation is proposed, how would the relocated building affect its proposed setting if that setting is located in a Historic District?

In addition to the criteria set forth in Bylaw P, sec. 8.2 and the Criteria for HDC Decisions, relevant factors include but are not limited to:

- The availability, practicality and appropriateness of the proposed site for the building in question;

- The building's relationship (both spatial and historical) to the specific, proposed location, including nearby buildings, structures such as walls or fences, or significant landscape features such as a village common or a streetscape;
- The particular character of the District in which the proposed site is located and the building's contribution to that District.

3. Bylaw P's third purpose "is to aid in ... the encouragement of new building designs compatible with the historically significant architecture existing in the Local Historic District(s) when this Bylaw was first adopted in 1990."

Relevant questions include but are not limited to:

- What is your proposal for the site currently occupied by the existing building?
- If a portion of a building is demolished, what, if anything, will be constructed in its place?
- Is the proposed project appropriate, including its compatibility with historically significant architecture existing in its District, under the criteria set forth in Bylaw P and related documents that govern the Commission's determination?
- What would the proposed building, either a new building or one altered by partial demolition, contribute to the District?

4. Finally, Bylaw P's "Purpose" provision concludes by observing that "This Bylaw does not seek to establish an architectural museum, but instead to inform concerning the historical process of architectural growth and adaptation to heighten a sense of educated pride in our heritage."

- Why is demolition-of the building necessary or appropriate to advance that intended purpose?

Adopted: June 14, 2022 (superseding provisions of DEMOLITION, ACTON HDC DESIGN GUIDELINES, p. 7)